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PATENT
5681-07200/P7114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/055,641
Filed: January 22, 2002
Inventor:
Bernard A. Traversat, et al.

Examiner: Nguyen, Phuoc H
Group/Art Unit: 2143
Atty. Dkt. No: 5681-07200

Title: RENDEZVOUS FOR
LOCATING PEER-TO-
PEER RESOURCES

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Robert C. Kowert

Printed Name

Signature

November 10, 2006

Date

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to the Notification of Non-Compliant Appeal Brief mailed on October 10, 2006.

REMARKS

Applicants' undersigned attorney telephoned Examiner Nguyen for clarification of this Notification and was referred to item 4 of the Notification of Non-Compliant Appeal Brief. Specifically, the Examiner stated that Applicants' Appeal Brief fails to comply with 37 CFR 41.37(c)(1)(v) because it did not, for every dependent claim argued separately, set forth the structure, material, or acts described in the specification as corresponding to each claimed function. Applicants' undersigned attorney pointed out that the Examiner had misinterpreted the referred rule since the portion of the rule referred to by the Examiner only pertains to means plus function or step plus function elements. None of Applicants' claims include means plus function or step plus function elements, so this portion of the rule does not apply. Examiner Nguyen requested a written description of Applicants' interpretation of the rule in this response which is provided below.

Applicants note that 37 CFR 41.37(c)(1)(v) does not require a description of each dependent claim argued separately unless the claim includes a means plus function or step plus function under 35 U.S.C. 112, sixth paragraph. 37 CFR 41.37(c)(1)(v) states:

For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. (emphasis added)

This portion of the rule clearly only applies to claimed functions of means plus function or step plus function elements under 35 U.S.C. 112, sixth paragraph. **Since the claims in question do not include any means plus function or step plus function elements per 35 U.S.C. 112, sixth paragraph, this provision does not apply to Applicants' Appeal Brief.** Therefore, the Appeal Brief is in complete compliance with all sections of 37 CFR 41.37 and must be considered.

CONCLUSION

Applicants assert that the Appeal Brief filed on July 27, 2006 is compliant with all applicable provisions of 37 CFR 41.37.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-07200/RCK.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. C. Kowert', with a stylized flourish at the end.

Robert C. Kowert
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Date: November 10, 2006